

## REMARKS

Claims 1, 2, 4-8, 16 and 17 are pending in the application. Claim 4 has been amended. Reconsideration of this application is respectfully requested.

The Office Action rejects claims 1, 2, 4-8 and 17 under 35 U.S.C 103(a) as unpatentable over U.S. Patent No. 6,449,624 to Hammack et al., hereafter Hammack, in view of International Patent Publication No. WO 00/70417 to Dardinski et al., hereafter Dardinski.

This rejection is respectfully traversed.

Independent claim 1 recites:

“a check-out function operable on said processor to check-out said object, to use said information to determine whether any dependent objects exist and whether at least one parent object exists, and to automatically check-out said existing dependent objects, wherein said stored information includes a reference to said existing parent object”.

Independent claims 5 and 17 contain similar language in method step format.

Hammack does not “automatically check-out said existing dependent objects” and, therefore, lacks the above quoted recital. The Examiner contends that Hammack discloses this recital, citing column 11, lines 24-29. However, this citation teaches that the VCAT system 30 “preferably determines during each check-out operation which other versionable items need to be checked out in order to modify the configuration of an item”, but does not define what “other versionable items” are. The Examiner also cites column 11, lines 45-47, of Hammack as allowing for check-out of subordinate items. However, this citation clearly states that “the user is provided with the option of recursively checking out any such items”. This citation also states that “a dialog window

is provided that provides the user with a list of versionable items that may be checked out“ and that the “user may then select (or deselect) any one of the listed items to initiate a selective recursive operation”. This is a manual check-out and not an automatic check-out as recited in independent claims 1, 5 and 17.

The Examiner further cites the dialog window 150 of Fig. 12 that includes a display parent button 208 and a drill down button 210. However, display window 150 is accessed in the audit trail function of Hammack’s system (column 23, lines 20-23) and not in a check-out function. That is, display window 150 allows the user to view and browse through the version history of a configuration, but not to use the information to “automatically” check-out the dependent objects.

For the reasons set forth above, Hammack lacks the above quoted recital of independent claims 1, 5 and 17. Dardinski, which was cited for a different purpose, does not supply this deficiency of Hammack. Therefore, the combination of Hammack and Dardinski lacks the above quoted recital. Thus, independent claims 1, 5 and 17 and their dependent claims 2, 4 and 6-8 are unobvious in view of the combination of Hammack and Dardinski.

Dependent claim 4 has been amended to recite:

“wherein said stored information is further used by said processor to prevent unauthorized changes to dependent objects under control of said source control system”.

This recital is supported by paragraphs 0015 and 0039 of the specification. Neither Hammack nor Dardinski disclose or teach this recital.

The Office Action suggestion to use the combination of Hammack and Dardinski is improperly based on the hindsight of Applicants’ disclosure. Such hindsight reconstruction of the art cannot be the basis of a rejection under 35 U.S.C. 103. The prior

art itself must suggest that modification or provide the reason or motivation for making such modification. In re Laskowski, 871 F.2d 115, 117, 10 USPQ 2d 1397, 1398-1399 (CAFC, 1989). “The invention must be viewed not after the blueprint has been drawn by the inventor, but as it would have been perceived in the state of the art that existed at the time the invention was made.” Sensonics Inc. v. Aerosonic Corp. 38 USPQ 2d 1551, 1554 (CAFC, 1996), citing Interconnect Planning Corp. v. Feil, 774 F. 2d 1132, 1138, 227 USPQ 543, 547 (CAFC, 1985).

For the reasons set forth above, it is submitted that the rejection of claims 1, 2, 4-8 and 17 under 35 U.S.C. 103(a) is erroneous and should be withdrawn.

The Office Action rejects claim 16 under 35 U.S.C. 102(b) as anticipated by Dardinski.

This rejection is respectfully traversed. Independent claim 16 recites:

“when checking-in an object, determining relationships of said object by:  
....determining for each contained object that is contained in said object being checked-in, whether said contained object has a second derivation parent, if said object being checked-in does not have said first derivation parent;  
adding a name and a version of said second derivation parent to said list of object relationships, if said contained object being checked-in has said second derivation parent”.

With respect to the determining step of this recital, the Examiner contends that Dardinski discloses this recital, citing the sixth bullet of Section 1.1.1.1. The sixth bullet states that a “parameterized object may be contained within a parameterized object collection object, which may be either a single or multiple collection instance of a Parameterized Object collection”. Parameterized Object collection is defined in Section 1.1.1.2 as “a collection of one or more Parameterized Objects”. The Examiner specifically contends that the recited “contained object” is equivalent to Dardinski’s

parameterized object collection object. Thus, applying this to the determining step of the above quoted recital, Dardinski must make a determination of whether the parameterized object collection object has a second derivation parent. There is no disclosure or teaching in Dardinski of making such a determination for a parameterized object collection object. Moreover, lacking the determining step, Dardinski also lacks the adding step of the above quoted recital. For this reason, the Examiner's contention is erroneous. Therefore, Dardinski lacks the above quoted recital and does not anticipate independent claim 16.

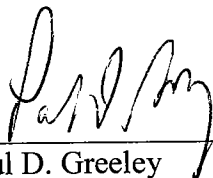
For the reasons set forth above, it is submitted that the rejection of claim 16 under 35 U.S.C. 102(b) as anticipated by Dardinski is erroneous and should be withdrawn.

It is respectfully requested for the reasons set forth above that the rejections under 35 U.S.C. 102(b) and 35 U.S.C. 103(a) be withdrawn, that claims 1, 2, 4-8, 16 and 17 be allowed and that this application be passed to issue.

For the reasons set forth above, it is submitted that this amendment places the application in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and passed to issue. If this amendment is deemed to not place the application in condition for allowance, it is respectfully requested that it be entered for the purpose of appeal.

Respectfully Submitted,

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